IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.4468 OF 2006.

Dnyan Sanvardhak Mandal, Solapur ..Petitioner
V/s
The Deputy Director Education,
Solapur and others ..Respondents.

Mr. S.S. Shah for the petitioners

Mrs. M.P. Thakur, AGP for respondent Nos. 1 to 3.

CORAM : B.H. MARLAPALLE &
J.H. BHATIA, JJ.

DATE : 21ST NOVEMBER, 2006.

P.C.

. Heard Mr.Shah, the learned Counsel for the petitioners.

2. Rule.

3. Mrs. Thakur,the learned AGP waives service for the respondents.

4. Rule is taken up for final hearing forthwith.

5. The Petitioner Trust was granted permission to start the Marathi Medium School on 12.6.1982 and during

the period from 1984 to 1994, it was running Marathi Medium as well as Hindi Medium school. On 3/7/1995 it had submitted an application for permission to shift the Marathi Medium school at newly acquired premises i.e. Ravivar Peth, area of Solapur City and accordingly on 6/10/1995 such a permission was granted. For about 10 years the petitioners continued to get reimbursement towards the rental charges for the Marathi Medium School. However, without any notice, the impugned order dated 15/6/2006 came to be passed by respondent No.1 and the permission granted on 6/10/1995 has been withdrawn.

6. We have perused the affidavit-in-reply filed by the Deputy Education Inspector from the office of the Deputy Director of Education, Pune Region and it is clear from the same that the impugned order has been passed ex-parte. It was necessary for the respondent authorities to issue a fresh notice to the petitioners and afford an opportunity of hearing before the permission was sought to be revoked. Moreso, when the school was running from the new premises for about 10 years. The basic rule of audi alteram partem has been violated and therefore, the impugned order is un-sustainable.

7. The petition therefore, succeeds and the same is hereby allowed. The impugned order is quashed and set aside. Respondent No.1 is directed to issue a fresh notice to the petitioners and after hearing both the parties concerned, a fresh order be passed, if so found necessary, as expeditiously as possible.

8. Rule made absolute accordingly with no order as to costs.

(J.H. BHATIA, J.) **(B.H. MARLAPALLE, J.)**